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Orrick 708005.8
Patent
(Former 239/252)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

HOUN SIMON HSIA

Serial No.: 08/828,143

Filed: March 24, 1997

For: **STABILIZED SOLID BACTERIA
COMPOSITIONS**

)
) **Group Art Unit: 1651**
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) **Examiner: Irene Marx**
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PRELIMINARY AMENDMENT AND COMMENTS

MAIL STOP AMENDMENT FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

IN THE CLAIMS:

1. (Cancelled) A stable, dried bacteria composition, comprising effective amounts of:

I
a bacteria;

a dried, non-viable yeast; and

protein.

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as MAIL STOP AMENDMENT FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Lynne Fulmer
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DOCSOC1:139541.1

708005-8 K2M



97-08-03

RCE #600
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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	08/828,143
Filing Date	March 24, 1997
First Named Inventor	Houn Simon HSIA et al
Group Art Unit	1651
Examiner Name	Irene Marx
Attorney Docket Number	708005.8 (L&L 239/252)

This is a Request for continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE:

37 C.F.R. § 1.114 is effective May 29, 2000. If the above-identified was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patented term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on May 27, 2003
Any unentered amendment(s) referred to above will be entered.
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment/Reply
- ii. ☐ Affidavit(s)/Declarations(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other _____; Return Postcard

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2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

The RCE fee under 37 C.F.R. § 1.17(e) is required by

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 150665
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) \$375.00
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17); if any extension of time is required, please consider this a request therefor. 3 Month Extension fee of \$460.00
- iii. ☐ Other: Any fee under \$1.15 or _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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02 FC:2253 465.00 DA

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kurt T. Mulville	Registration No.	37,194
Signature		Dated	July 3, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Lynne Fulmer	Express Mail Tracking No. EV <u>342472 905</u> US	
Signature		Date	July 3, 2003